REMARKS

Claims 1-47 are pending with this Office Action. Claims 32-46 have been withdrawn from consideration. Claims 1-31 are rejected by this Office Action. The Applicant is adding claim 47.

The Applicant thanks the Examiner for withdrawing objections to the oath/declaration.

Claim Rejections - 35 USC §102

Claims 1-8 and 24-31 are rejected by the Office Action under 35 USC 102(b) as being anticipated by U.S. Patent 5,960,408 (Martin). The Applicant has amended claim 1 to include the feature of "generating on time performance reports from the purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, **and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process**". (Emphasis added) This feature is not taught by Martin. The specification, as originally filed, discloses the reporting of on-time performance relative to a plurality of order start point/end point pairs. The suppliers and customers (e.g., buyers) provide information relating to order fulfillment at various points or stages along the order fulfillment process, in which the information is collected during the normal course of business operations. (Page 3, lines 9-13.) The plurality of order start point/end point pairs may comprise, for example OS-CFD ("order sent" – "customer final destination"), OC-SSD ("order confirmed" – "supplier shipping dock"), and OC-DTO ("order confirmed" – "customer final destination"). (Page 13, lines 3-19; page 1, line 10 to page 2, line 6.)

The Office Action admits that Martin merely "measures delivery time performance wherein it is determined if an item is delivered when requested. The customer enters an order and requests a delivery date; this **requested date is the start point**. The date the order actually delivers is the end point." (Page 2, paragraph 3. Emphasis added.) The start point, as taught by

Martin, is not a point along an order fulfillment process, but rather is a "requested date", which is merely a desired date of delivery. Therefore, if Martin were interpreted as asserted, the invention would not be arrived at as claimed by applicant.

The present invention, as claimed by claim 1, builds from where Martin leaves off in that the present invention addresses information relating to actual order fulfillment at various points or stages along the "**order fulfillment process,**" rather than comparing desired delivery and actual delivery. Thus, claim 1 is not anticipated or even suggested by Martin.

Furthermore, it is urged that these claimed aspects are not rendered obvious by Martin in that there is no teaching or suggestion for modifying the teachings of Martin to arrive at claim 1. In order to provide a proper basis for rejecting a claim as obvious, there must be some teaching or suggestion in the prior art for making the modification. However, no teaching or suggestion has been identified, and none is present in the cited references. Therefore, it is respectfully requested that the rejection be reconsidered and withdrawn, and claim 1 be allowed.

The Applicant has similarly amended claims 5, 24, and 28. Claim 5 includes the feature of "second executable code for generating on time performance reports from the purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process". Claim 24 includes the feature of "means for generating on time performance reports from purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process". Claim 28 includes the

feature of "executable code for generating on time performance reports from purchase order data, the on time performance reports including a number of orders delivered on time by a first supplier with respect to each of a plurality of start point/end point pairs, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process". Thus, claims 5, 24 and 28 are not anticipated for at least the above reasons. Claims 2-4, 6-8, 25-27, and 29-31 ultimately depend from claims 1, 5, 24, and 28 are not anticipated for at least the above reasons. The Applicant requests reconsideration of claims 1-8 and 24-31.

Claim Rejections - 35 USC §103

Claims 9-23 are rejected by the Office Action under 35 USC 103(a) as being unpatentable over Martin. The Applicant has amended claim 9 to include the feature of "storing in a database summarized purchase order data from a plurality of buyers, the summarized purchase order data comprising a plurality of records, each record in the plurality of records including a supplier, a buyer, a one of a plurality of start point/end point pairs for measuring on time delivery, a number of orders placed, and a number of orders delivered on time, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, **and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process**". (Emphasis added.) As discussed above, Martin does not teach this feature. Moreover, the alleged teaching "to generate a database with the summarized purchase order data for each customer" does make up for the deficiency of Martin. Thus, claim 9 is patentable over Martin.

The Applicant has similarly amended claim 18 to include the feature of "first executable code for storing in a database summarized purchase order data from a plurality of buyers, the
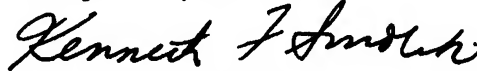
summarized purchase order data comprising a plurality of records, each record including a supplier, a buyer, a one of a plurality of start point/end point pairs for measuring on time delivery, a number of orders placed, and a number of orders delivered on time, wherein the start point is representative of a plurality of events triggering a start of a time period used to measure delivery time, the end point is representative of a plurality of events triggering an end of a time period used to measure delivery time, and each of the plurality of start point/end point pairs can be different from each other for at least one buyer, and wherein the start point corresponds to a first point along an order fulfillment process and the end point corresponds to a second point along the order fulfillment process". Claim 18 is patentable for at least the above reasons. Claims 10-17 and 19-23 ultimately depend from claims 9 and 18 and are thus patentable for at least the above reasons. The Applicant requests reconsideration of claims 9-23.

CONCLUSION

The Applicant has added claim 47, which is supported by the specification as originally filed. All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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